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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,129	03/10/2004	William H. Redfield	246623US51	2069
22850	7590	09/13/2005		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER	LAU, HOI CHING
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/796,129	REDFIELD, WILLIAM H.
	<b>Examiner</b>	<b>Art Unit</b>
	Hoi C. Lau	2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 10 March 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/10/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. Claims 1- 7 have been.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch (U.S. 5,132,662) in view of Kerdjoudj et al. (U.S. 6,465,915).

Regarding **Claim 1**, Burch's device comprises:

An L-shaped bracket and a gearbox integrally bolted together into a unitary structure, wherein an electric motor operatively connected to the gearbox drives the output shaft (Figure 3 and 4 and column 4, lines 10-38).

It fails to show the bracket and a gear box are molded together.

Kerdjoudj's device teaches an L-shape bracket (68) and a gear box (14) integrally molded together into a unitary structure (figure 1 and column 4, lines 28-33).

It would have been obvious to one of ordinary skill in the art to use Kerdjoudj's implementation into Burch's device because it would provide a replacement and repair advantage for easier to access or correlate the assembly along the deployment apparatus without spending too much time and requiring a special skill.

As to **claim 2**, Kerdjoudj' device teaches an L-shaped bracket (68) has closed-end elongated slots through which fasteners extend to secure the unitary structure to an inside wall of the deployment apparatus (figure 1 and lines 28-30).

As to **claim 3**, Kerdjoudj's device teaches a distance between center lines through the closed-end elongated slots.

It fails to show the distance is varies from 3.0 to 3.5 inches.

Applicant admits the present invention is made to fit in a know deployment apparatus on a school bus with a swinging safety device.

It would have been obvious to one of ordinary skill in the art to manufacture or modify a distance between center lines through the closed-end elongated slots varies from 3.0 to 3.5 inches if it is to be the dimension required to enable fitting into the structure.

As to **claim 4**, Kerdjoudj's device teaches L-shaped bracket has a first leg and a second leg substantially perpendicular to the first leg (figure 2).

As to **claim 5**, Kerdjoudj's device teaches gear box and the first leg of the L-shaped bracket have a bore formed therein (Figure 1 and column 3, lines 60-62 and column 6, lines 14-20).

As to **claim 6**, Kerdjoudj's device teaches a distance between a center line through the bore and a bottom edge of the second leg of the L-shaped bracket.

It fails to show the distance is varies from 1.6 to 1.7 inches.

Applicant admits the present invention is made to fit in a know deployment apparatus on a school bus with a swinging safety device.

It is rejected for similar reasons set forth in the rejection of claim 3, supra.

As to **claim 7**, Kerdjoudj's device teaches a distance between a top edge line on the second leg and a longitudinal center line through a nearer closed-end elongated slot of the L-shaped bracket varies

It fails to show the distance is varies from 1.1 to 1.3 inches.

Applicant admits the present invention is made to fit in a know deployment apparatus on a school bus with a swinging safety device.

It is rejected for similar reasons set forth in the rejection of claim 3, supra.

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Will et al. (U.S. 6,201,364) teaches an elongated reelable shade, first and second support brackets removably connected to first and second and opposite ends of said elongated reelable shade for supporting said reelable shade from a fixed support, an electrical drive motor having an output shaft for rotating said elongated reelable shade around it's axis to selectively reel and unreel said shade. Miyazaki et al. (U.S. 5,159,221) shows a brush holder structure in an electric motor in which brush holder for housing brushes held in slidable contact with a commutator provides on a rotor shaft and an end bracket for rotatably supporting the rotor shaft are both integrally molded with a gear frame for housing and supporting a worm gear mechanism. Kucik (U.S. 5,781,120) teaches a moveable traffic turn indicator may be constructed with a first elongate member exhibiting a first major surface terminated by a first end, a second elongate member exhibiting a second major surface terminated, a hinge pivotably joining the second elongate member to the first elongate member. Reavell (U.S. 4,766,413)

Art Unit: 2636

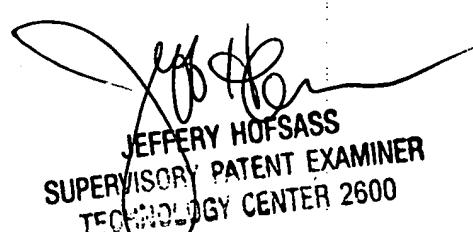
shows a control apparatus for a hinged stop sign mounted on the side of a school bus to cause the sign to swing out to an outstretched position when the bus door is opened to load or unload passengers and to return the sign to its retracted position when the door closes.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoi C. Lau whose telephone number is (571)272-8547. The examiner can normally be reached on M-F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571)272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HCL



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